

JOURNAL OF THE ASSEMBLY [February 3, 1981]

STATE OF WISCONSIN

# Assembly Journal

Eighty-Fifth Regular Session

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TUESDAY, February 3, 1981.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Representative Miller.

Representative Behnke led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Crawford, Czarnecki, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Fischer, Flintrop, Gerlach, Goodrich, Harer, Hasenohrl, Hauke, Helbach, Hephner, Holschbach, Hopkins, Jaronitzky, Johnson, Kincaid, Kirby, Klicka, Knox, Kunicki, Laatsch, Ladwig, Larson, Lee, Leopold, Lewison, Loftus, Looby, Luckhardt, McEssy, McEwen, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Neubauer, Norquist, Otte, Panzer, Paulson, Plewa, Plous, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Robinson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Schneiders, Shabaz, Shoemaker, Smith, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Williams, Wood, Young and Mr. Speaker -- 97.

Absent -- None.

Absent with leave -- Berndt -- 1.

Vacancies -- 84th District -- 1.

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AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 7** offered by committee on Elections.

Assembly amendment 1 to **Assembly Joint Resolution 15** offered by committee on Revenue.

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INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

**Assembly Resolution 7**

Granting the use of the assembly chambers on February 28, 1981, to the 1981 Model Legislature of the Distributive Education Clubs of America.

By Representative D. Travis.

To calendar.

**Assembly Bill 67**

Relating to requiring the teaching of nutrition in public schools.

By Representatives Tesmer, Dorff, Hauke and Duren.

To committee on Education.

**Assembly Bill 68**

Relating to the definition of the practice of dentistry.

By Representatives Otte and Potter, co-sponsored by Senators Opitz and Goyke.

To committee on Health and Human Services.

**Assembly Bill 69**

Relating to a sales and use tax exemption for supplies used in the treatment of diabetes.

By Representatives Tesmer, Rooney and Duren.

To Joint Survey Committee on Tax Exemptions.

**Assembly Bill 70**

Relating to prohibiting discrimination based upon sexual orientation.

By Representatives Clarenbach, Leopold, Coggs, Ulichny and Becker.

To committee on Judiciary.

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### **Assembly Bill 71**

Relating to increasing the number of bingo occasions an organization may conduct, raising the limit on the amount which may be awarded as a prize in certain circumstances and miscellaneous other changes in laws regulating bingo games.

By Representatives Medinger, Hopkins, Kunicki, Hasenohrl, Lewison, Roberts, Plewa and Leopold, co-sponsored by Senators Offner and Van Sistine.

To committee on State Affairs.

### **Assembly Bill 72**

Relating to admissibility of evidence of compromise of a claim.

By Representatives Hauke and Thompson, co-sponsored by Senator Flynn.

To committee on Judiciary.

### **Assembly Bill 73**

Relating to explanations to juries.

By Representatives Tesmer, Thompson and Dilweg.

To committee on Judiciary.

### **Assembly Bill 74**

Relating to place of trial for actions against insurers.

By Representatives Hauke, Thompson and Tesmer.

To committee on Judiciary.

### **Assembly Bill 75**

Relating to removing limitations on awards for loss of society and companionship.

By Representatives Ulichny, Hauke, Behnke, Tesmer, Leopold, Dilweg, Looby and Thompson, co-sponsored by Senator Flynn.

To committee on Judiciary.

### **Assembly Bill 76**

Relating to damages in wrongful death actions.

By Representatives Hauke, Thompson, Behnke, Tesmer, Prosser, Looby and Broydrick.

To committee on Judiciary.

### **Assembly Bill 77**

Relating to product liability insurance reports.

By Representatives Thompson, Hauke, Looby and Broydrick.

To committee on Financial Institutions.

### **Assembly Bill 78**

Relating to requiring disclosure of a table of rates for liability insurance for the range of liability limit offered by the issuing insurer.

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By Representatives Hauke, Tesmer, Behnke, Leopold, Prosser, Dilweg, Looby, Broydrick and Thompson.

To committee on Financial Institutions.

**Assembly Bill 79**

Relating to prohibiting certain exclusions in liability insurance policies.

By Representatives Hauke, Tesmer, Behnke, Leopold, Looby and Broydrick.

To committee on Financial Institutions.

**Assembly Bill 80**

Relating to regulating smoking in public conveyances and specified places and providing a penalty.

By Representatives Munts, Dilweg, Otte, Smith, Gerlach, Lee, Flintrop, Ladwig, Duren, Andrea, Norquist, Ulichny, Behnke, Coggs, Broydrick, Crawford and Tuczynski, co-sponsored by Senators Risser, Braun, Strohl, McCallum, Moody and Flynn.

To committee on State Affairs.

**Assembly Bill 81**

Relating to minimum liability limits for liability arising out of the use of a motor vehicle.

By Representatives Hauke, Behnke, Tesmer, Leopold and Looby.

To committee on Highways.

**Assembly Bill 82**

Relating to minimum underinsurance and uninsurance motor vehicle liability coverage.

By Representatives Hauke, Tesmer, Behnke and Looby.

To committee on Highways.

**Assembly Bill 83**

Relating to time limits for claims against state employees.

By Representatives Hauke, Thompson, Leopold, Prosser, Looby and Broydrick, co-sponsored by Senator Flynn.

To committee on Judiciary.

**Assembly Bill 84**

Relating to time limits for claims against local governmental agencies and entities.

By Representatives Hauke, Leopold, Prosser, Looby and Broydrick, co-sponsored by Senator Flynn.

To committee on Judiciary.

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**Assembly Bill 85**

Relating to the maximum recovery level for tort actions against local governmental entities and agencies.

By Representatives Hauke, Leopold and Looby, co-sponsored by Senator Flynn.

To committee on Judiciary.

**Assembly Bill 86**

Relating to allowing municipalities to issue either annual or biennial bartenders' licenses.

By Representative Behnke, by request of city of Milwaukee.

To committee on Excise and Fees.

**Assembly Bill 87**

Relating to including as an authorized emergency vehicle privately owned vehicles used by paramedics or ambulance attendants.

By Representatives Potter and Duren.

To committee on Highways.

**Assembly Bill 88**

Relating to establishing a decennial redistricting committee and making an appropriation.

By Representatives Fischer, Radtke, Menos, Tuczynski, Knox, Barry, Shoemaker, Medinger, Robertson, Harer, Ladwig, Porter, Dilweg, Prosser, Becker, Smith and Everson, co-sponsored by Senators Johnston, Braun, Goyke, Harsdorf and Theno.

To committee on Elections.

**Assembly Bill 89**

Relating to sentencing and treatment of narcotics dealers and providing penalties.

By Representatives Andrea, Kincaid, Hauke, Potter, Dorff, Barczak, Plewa, Hasenohrl and Behnke.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 90**

Relating to rights of judge substitution in criminal cases.

By Representatives Goodrich, Radtke, Bradley and Harer, co-sponsored by Senator Opitz.

To committee on Criminal Justice and Public Safety.

ADMINISTRATIVE RULES

Read and referred:

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**Assembly Clearinghouse Rule 79-40**

Relating to observation of inmates of correctional institutions.  
Submitted by Department of Health and Social Services.  
To committee on Criminal Justice and Public Safety.  
Referred on February 3, 1981.

**Assembly Clearinghouse Rule 80-138**

Relating to rules of conduct for certified public accountants.  
Submitted by Department of Regulation & Licensing.  
To committee on Commerce and Consumer Affairs.  
Referred on February 3, 1981.

**Assembly Clearinghouse Rule 81-21**

Relating to fees for amusement ride inspections.  
Submitted by Department of Industry, Labor & Human  
Relations.  
To committee on State Affairs.  
Referred on February 2, 1981.

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COMMITTEE REPORTS

The committee on Criminal Justice and Public Safety reports and recommends:

**Assembly Joint Resolution 5**

Relating to revising the right to bail and authorizing the legislature to permit circuit courts to deny release on bail for a limited period to certain accused persons (2nd consideration).

Adoption: Ayes: (10) Noes: (3)  
To calendar.

DAVID TRAVIS  
Chairperson

The committee on Elections reports and recommends:

**Assembly Bill 7**

Relating to municipal subdistricting into wards.

Adoption of assembly substitute amendment 1:  
Ayes: (11) Noes: (0)

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Passage: Ayes: (11) Noes: (0)  
To committee on Rules.

**BILL BROYDRICK**  
Chairperson

The Joint Committee for Review of Administrative Rules reports and recommends:

**Assembly Bill 8**

Relating to restricting the method of adoption of certain rules by the examining board of architects, professional engineers, designers and land surveyors.

Passage: Ayes: (9) Noes: (0)  
To committee on Rules.

**WILLIAM ROGERS**  
Assembly Chairperson

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MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has concurred in:

**Assembly Joint Resolution 6**

Adopted and asks concurrence in:

**Senate Joint Resolution 5**

Passed and asks concurrence in:

**Senate Bill 10**

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ACTION ON THE SENATE MESSAGE

**Senate Joint Resolution 5**

To amend section 3 of article XI of the constitution, relating to indebtedness for sewage collection or treatment systems in counties, cities or sewerage districts over 150,000 population (2nd consideration).

By Senator Moody, by request of Milwaukee County.  
To committee on Local Affairs.

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**Senate Bill 10**

Relating to revising the Wisconsin fund appropriation, revising the point source pollution abatement program, placing limitations upon disbursements from general purpose revenue sum sufficient appropriations, authorizing appropriations reestimates, authorizing expenditure of certain anticipated state revenues, priority for payment of state claims, a procedure for reduction of state expenditures in the event of insufficient revenues, reducing the primary guaranteed valuation for the 1980-81 school year, initial payment of aid to families with dependent children, authorizing bonding and making appropriations and appropriation changes.

By Joint Committee on Finance.

To calendar.

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CALL OF THE ASSEMBLY

Representative Loftus requested a call of the assembly. There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave - None.

Members absent - Berndt, Crawford and Murray.

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LEAVES OF ABSENCE

Representative Thompson asked unanimous consent for a leave of absence for today's session for Representative Berndt. Granted.

Representative Loftus asked unanimous consent for a leave of absence for Representatives Crawford and Murray. Granted.

Representative Rooney asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

10:50 A.M.

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RECESS

11:40 A.M.

The assembly reconvened.

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MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has passed and asks concurrence in:

**Senate Bill 24**

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ACTION ON THE SENATE MESSAGE

**Senate Bill 24**

Relating to the maximum guarantee of accounts in state-chartered credit unions and limiting membership of credit unions in central credit unions.

By committee on Aging, Business and Financial Institutions and Transportation.

To committee on Financial Institutions.

Representative Loftus asked unanimous consent that the rules be suspended and that **Senate Bill 10** be withdrawn from the calendar of Thursday, February 5 and made a special order of business at 10:00 A.M. on Wednesday, February 4; and that **Assembly Joint Resolution 5** be withdrawn from the calendar of Thursday, February 5 and made a special order of business at 10:01 A.M. on Wednesday, February 4.

Representative Johnson objected.

Representative Johnson requested a division of the question under Assembly Rule 80.

Speaker Jackamonis denied the request.

Representative Shabaz asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be withdrawn from the calendar of Thursday, February 5 and made a special order of business at 10:01 A.M. on Wednesday, February 4.

Representative Loftus objected.

Representative Loftus asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be withdrawn from

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the calendar of Thursday, February 5 and made a special order of business at 10:00 A.M. on Wednesday, February 4.

Representative Leopold objected.

Representative Loftus asked unanimous consent to withdraw his previous motion. Granted.

Representative Loftus moved that the rules be suspended and that **Senate Bill 10** be withdrawn from the calendar of Thursday, February 5 and made a special order of business at 10:00 A.M. on Wednesday, February 4.

The question was: Shall the rules be suspended and **Senate Bill 10** be withdrawn from the calendar of Thursday, February 5 and made a special order of business at 10:00 A.M. on Wednesday, February 4?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Crawford, Czarnecki, Everson, Fischer, Flintrop, Gerlach, Hasenohrl, Helbach, Holschbach, Kincaid, Kirby, Kunicki, Lee, Loftus, Looby, Medinger, Metz, Miller, Munts, Neubauer, Norquist, Otte, Plewa, Plous, Potter, Roberts, Robinson, Rogers, Rooney, Rutkowski, Schneider, Travis, D., Ulichny, Vanderperren, Wagner, Williams and Mr. Speaker -- 43.

Noes -- Andrea, Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Goodrich, Harer, Hauke, Hephner, Hopkins, Jaronitzky, Johnson, Klicka, Knox, Laatsch, Ladwig, Larson, Leopold, Lewison, Luckhardt, McEssy, McEwen, Matty, Menos, Merkt, Murray, Nelsen, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Schneiders, Shabaz, Shoemaker, Smith, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Tuczynski, Wood and Young -- 54.

Absent or not voting -- Berndt -- 1.

Motion failed.

Representative Loftus asked unanimous consent that the assembly stand recessed for ten minutes. Granted.

The assembly stood recessed.

11:50 A.M.

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RECESS

12:40 P.M.

The assembly reconvened.

Representative Loftus asked unanimous consent that the assembly stand recessed until 4:00 P.M. Granted.

The assembly stood recessed.

12:41 P.M.

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RECESS

4:05 P.M.

The assembly reconvened.

Representative Loftus asked unanimous consent that the assembly stand recessed until 5:00 P.M. Granted.

The assembly stood recessed.

4:06 P.M.

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RECESS

5:15 P.M.

The assembly reconvened.

Representative Thompson asked unanimous consent that the assembly adjourn in honor of the fifty-fifth birthday of Representative Young. Granted.

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LEGISLATIVE REFERENCE BUREAU CORRECTIONS

**Assembly Bill 38**

On page 1, line 6: substitute "equipment" for "equipm & nt".

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Representative Loftus moved that the assembly stand adjourned until 10:00 A.M. tomorrow.

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**The question was: Shall the assembly stand adjourned?**

**Motion carried.**

**The assembly stood adjourned.**

**5:17 P.M.**